

CENTERVILLE PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 26, 1982

Mr. Horvath called the meeting to order at 7:30 p.m.

Attendance: Mr. Dallas Horvath, Mr. Brian Bergsten, Col. Stanley Morrow, Mrs. Marian Simmons, Mr. Robert Chappell, Mr. David Hall. Absent: Mr. Elmer C. Tate, Jr. Also present: Mr. Alan C. Schwab, City Planner; Mr. Karl M. Schab, City Engineer; Mr. Robert N. Farquhar, City Attorney; Mr. Steve Feverston, Planner.

Approval of minutes of September 28, 1982 and approval of minutes of October 14, 1982:

MOTION: Mrs. Simmons moved to approve the Planning Commission minutes of the Regular Meeting of September 28, 1982, and the Planning Commission minutes of the Special Meeting of October 14, 1982, as written. Mr. Bergsten seconded the motion. The motion was approved 6-0 for the minutes of September 28, 1982; and 4-0-2 for the minutes of October 14, 1982, with Col. Morrow and Mr. Hall abstaining. Mr. Hall stated he was absent from the meeting on October 14, 1982 due to the ethics rule.

SETTING OF PUBLIC HEARINGS

The following items were set for Public Hearing for Tuesday, November 30, 1982, at 7:30 p.m. in the City Building:

An Ordinance Amending Ordinance 15-1961, The Zoning Ordinance By Providing For And Regulating Outdoor Sales Or Displays.

St. Leonard's, Inc. - Rezoning from R-1 to E-C

Location: South of Centerville Station Road and east of Clio Road

COMMUNICATIONS

Mr. Horvath stated that since the month of December is closely approaching, it would be wise to set the Planning Commission meeting date for that month. He stated that December 14 or 21 would be the two dates to choose from. After some discussion, the general consensus of the Planning Commission was that December 14, 1982, would be the better of the two dates.

PUBLIC HEARINGS

Domino's Pizza - Sign Variance

Mr. Schwab made a slide presentation of the requested sign variance for Domino's Pizza located at 885 East Franklin Street. The zoning on the parcel is I-1. He stated that 40 sq. ft. of signage is permitted for the project and the applicant is requesting 75 sq. ft. A freestanding sign currently exists on the site which is approximately 32 sq. ft. Mr. Schwab stated that this property was the subject of a sign variance earlier this year at which time the request was for 120 sq. ft. of signage. The first request which was denied by the Planning Commission would have allowed a slightly larger freestanding sign as well as a sign on the building facing Franklin Street. The proposal at this time is a reduction of that previous request from 120 sq. ft. to 75 sq. ft. If the variance is approved, it would allow a wall sign approximately 5' x 8'.

Mr. Hall asked if the existing freestanding sign would remain as it is.

Mr. Schwab stated if the variance were granted, additional area could be added to the freestanding sign up to the maximum allowed which is 50 sq. ft. However they would like to split the use of the square footage on the signs would be up to the applicant. That is not what is being stated in the application, however it is a possibility.

A series of slides was presented to show the effectiveness of the existing signage. Mr. Schwab stated that the view from the east side of the site is obscured by trees and also the sign blends in with the Sohio sign situated on the adjacent parcel to the east. When standing directly in front of the building, it appears to be vacant as there is no signage on the building. The view from the east side of the building looking to the west does allow the sign to be visible.

Staff's conclusion is that there is nothing unique about the property that would justify granting a variance. He stated one could point to the trees obscuring the view as unique, however, this situation exists in many areas in the City. It is, therefore, recommended that the variance request be denied based on the fact that by granting this variance it would confer more signage than many other properties are allotted which are similarly situated in the City in business districts. He stated there is additional signage that could be placed on the building. It is staff's opinion that the existing signage is not very well utilized in terms of identifying the property.

Mr. Horvath opened the public hearing.

Mr. Jim Hardin, Wilson Sign Company, and Mr. Larry Yoder, Area Supervisor for Western Ohio Pizza, represented Domino's Pizza. Mr. Hardin stated at the previous public hearing for Domino's Pizza, the Planning Commission questioned the use of a single face wall sign in a 5' x 8' size. He stated that the property is unique as it is a small lot that is sandwiched in between a large use on the corner and the Centerville East Shopping Center. With the trees in front of the facility, it does create a unique situation. He stated that at this time, they have absolutely worthless identification of the business. He stated as the slide presentation shows, the building appears to be empty; and, a building that appears to be empty is not conducive to good business. Mr. Hardin stated that they are now asking for a 5' x 8' single face wall sign and also maintain the existing freestanding sign.

Mr. Yoder stated that he supervises nine stores in the Dayton area. He stated that this is the only store that does not have a wall sign and it is the lowest volume store. He stated that there are people in Centerville High School that after two years do not know there is a Domino's Pizza at this location.

Mr. Hall asked if Mr. Yoder had a survey to indicate that the people at Centerville High School do not know that a Domino's Pizza exists at the site in question.

Mr. Yoder stated that a survey had not been taken, but people that come in after the store is open indicate that they did not know the store was there.

Mr. Hall asked how many delivery cars are parked in front of the store.

Mr. Yoder stated that is a problem because it is a dark parking lot. He stated on the weekends, there are 4 or 5 delivery cars and throughout the week there are 2 cars.

There being no other speakers, the public hearing was closed.

As a point of clarification, Mr. Horvath stated that the signage allotted for the business could be placed on the building instead of utilizing it as a freestanding sign.

Mr. Bergsten stated that it seems if the freestanding is as worthless as the representatives say it is, he stated he does not see what the objection is to moving the allotted sign area to the building and removing the freestanding sign.

Mrs. Simmons stated even after the business was open, she would drive by and wonder what was going in that building because there was no signage on the building. She stated that the freestanding sign is not worth much to the identification of the business.

Col. Morrow pointed out that the standard in that area is the front wall-mounted sign and it would fit the standard better to move it to the front wall where it will be noticed more. He stated that even though he drives by that location a great deal, the freestanding sign goes practically unnoticed.

Mr. Hall stated that he cannot tell the applicant how to use their signage, but if what is existing is not effective, he does not understand why they would want to continue to use it.

MOTION: Mr. Hall moved to deny the variance request by Domino's Pizza as requested. Mr. Bergsten seconded the motion. The motion was approved unanimously.

Mr. Farquhar informed Mr. Hardin that the applicant does have the right to appeal the decision of the Planning Commission to City Council and explained the filing procedures to him.

Christ Community Church - Variance on Side Yard Requirement

Mr. Schwab reviewed the variance request for Christ Community Church, site located at 6020 Bigger Road. The zoning on the parcel is WT R-4. He explained that when this section of land was annexed to the City in 1967, it was not immediately rezoned by Council. In the Zoning Ordinance when that occurs, the zoning in effect at the time that area was annexed to the City is still in effect. The requirements of that Ordinance still apply to that land, the only distinction being the administrative procedures of the Centerville ordinance apply in lieu of the Township procedures. Therefore, the requirements for this land are out of the 1967 Washington Township Ordinance which are administered by the City of Centerville.

The proposed use for the property is a church. There are four variances being requested for this proposed use. Mr. Schwab stated that the WT R-4 zoning classification is comparable to Centerville R-1; therefore, those two zoning classifications have been used on a prepared comparison table along with what is proposed. Under Centerville zoning classifications, a church is considered a contingent use in residential districts and as long as it meets additional requirements for that use, the permits can be issued

by the Building Inspector without site plan approval from the Planning Commission and/or Council. The variances being requested are to create a church on the property and the City would not be reviewing a site plan at a later date.

Mr. Hall asked if by approving these variances, the Planning Commission would be approving a site plan.

Mr. Schwab stated no, that by approving the variances it would grant the applicants the right to operate a church and there is nothing binding about the site plan that was submitted. The submitted site plan is a conceptual plan only.

Mr. Schwab reviewed the following requested variances with the requirements and what is proposed:

	<u>WT-R4</u>	<u>R-1</u>	<u>Proposed</u>
Minimum Lot Area	5 Acres	5 Acres	4.2 Acres
Minimum Frontage	300 ft.	120 ft.	145.6 ft.
Side Yard	60 ft.	40 ft.	30 ft.
Parking Setback Side Yard	60 ft.	25 ft.	15 ft.

Mr. Schwab stated that in conversations with the consultants for Bigger Road, they have indicated that there is a small drainage ditch that runs through the middle of the property. The improvements that are being proposed for Bigger Road would require some treatment for additional runoff from Bigger Road onto this property. The original proposal by the consulting firm was to place a large retention pond to the rear of the property in question that would slowly run off into the Kettering storm tile system. That retention pond was designed to handle the additional runoff from the property in question as well as the properties to the south. What is being considered now is through channelization along the north property line, to build a small amount of retention capacity into a channel and a series of small dams across that channel so that only the runoff from Bigger Road and not the additional vacant properties would be taken care of.

Mr. Hall asked the width of the proposed channel along the north property line.

Mr. Schwab stated that the current drawings show it as 35 ft. from the property line. A 5 ft. buffer line is shown with a 30 ft. channel running down the middle with a 3-to-1 slope to each side.

Mr. Hall asked if the applicant has to come to the City for a curb cut request.

Mr. Schwab stated that they do not because the property is zoned residential not business.

Staff recommends to approve the variances listed with the following conditions:

1. Variance of the minimum lot area to 4.2 acres.
2. Variance of the minimum lot width to 145.6 feet.
3. Variance of the minimum building side yard to 40 feet.
4. Variance of the minimum parking side yard setback to 15 feet.

Conditions

1. A 25 foot side buffer strip be created along the entire north side of the property, and a 15 foot wide buffer strip be created along the entire south and east side of the property. No new improvements (parking, driveways, accessory building, etc.) except screening and landscaping be permitted in this area.
2. A detailed landscaping and screening plan for the entire 25/15 foot buffer areas be submitted to and approved by the Centerville City Planner prior to the beginning of construction of a church and/or additional parking area on the property. Use of the property as a church shall not be permitted until the Centerville City Manager or his designee has inspected the property for compliance with the approved landscaping and screening plan, and a letter is received by the property owner from the City of Centerville indicating total compliance. The landscaping and screening plan shall comply with the screening requirements of Section 31 of the City of Centerville Zoning Ordinance.
3. Vehicular access to the property shall only be permitted from Bigger Road. No vehicular access to Brookbank Drive shall be permitted.
4. All of the above variances and conditions shall only apply to the use of the property as a church.

Mr. Horvath opened the public hearing.

Mr. David Rickert, Smith and Schnacke representing the applicant, stated that the only two concerns that they have with the requirements of the variance requests are the screening and the 25 ft. side yard requirement along the north property line. He stated that the problem with the 25 ft. side yard requirement is the fact that this will limit the parking spaces. He stated that the screening requirement may be a little less important since the bulk of the activity will be on Sundays.

Mr. Hall stated if the school were constructed as it is proposed in a later phase, the activity will also be during the week.

Mr. Rickert stated that even when the school is opened, there will not be a constant stream of traffic that would require screening.

Mr. Horvath stated that the screening requirement is not exclusively for the traffic, but for the parking area. He stated that also to have the drainage channel along the north property line, a 25 ft. side yard requirement will be necessary. He asked if the requirement of an extra 10 ft. of area will allow enough spaces for the adequate number of parking spaces.

Mr. Schab stated that the parking layout can be modified to accommodate adequate parking spaces. He added that when the building permits are issued, there could be an additional requirement for the church to provide retention or detention.

Mr. Hall stated that concerning the statement in support of the variance, it is written that the church officials checked with staff to determine whether future development was feasible before purchasing the property. The statement further states that they were assured that future development was feasible. Mr. Hall stated that he may be misperceiving the intent of that statement, but it should be pointed out that the Planning Commission is not duty-bound to approve a plan simply because the application states that they checked it with staff.

Mr. Rickert stated that statement was not meant to imply that the church had some sort of binding assurance that they could get anything they requested.

There being no other speakers, Mr. Horvath closed the public hearing.

MOTION: Mr. Bergsten moved to approve the variances requested by Christ Community Church with the following conditions:

1. A 25 foot side buffer strip be created along the entire north side of the property, and a 15 foot wide buffer strip be created along the entire south and east side of the property. No new improvements (parking, driveways, accessory building, etc.) except screening and landscaping be permitted in this area.
2. A detailed landscaping and screening plan for the entire 25/15 foot buffer areas be submitted to and approved by the Centerville City Planner prior to the beginning of construction of a church and/or additional parking area on the property. Use of the property as a church shall not be permitted until the Centerville City Manager or his designee has inspected the property for compliance with the approved landscaping and screening plan, and a letter is received by the property owner from the City of Centerville indicating total compliance. The landscaping and screening plan shall comply with the screening requirements of Section 31 of the City of Centerville Zoning Ordinance.
3. Vehicular access to the property shall only be permitted from Bigger Road. No vehicular access to Brookbank Drive shall be permitted.
4. All of the approved variances and conditions shall only apply to the use of the property as a church.

Mr. Hall seconded the motion. The motion was approved unanimously.

NEW BUSINESS

Centerville Mill - Site Plan Amendment

Mr. Schwab made a slide presentation of the proposed site plan amendment for Centerville Mill located at 7991 Clyo Road. The zoning on the parcel is I-1. Mr. Schwab stated that the request is to construct a fiberglass paneled roof over a portion of the outdoor storage area north of the garden center building.

Mr. Schwab pointed out that the site plan being reviewed for the proposed amendment has many omissions that were conditions or requirements of past zoning approvals. Currently, the City is in court with the applicant over the completion of those approvals and the Zoning Inspector has informed the Planning Department that there are still a number of outstanding improvements that were required to be made to the property that have not been made.

Staff would like to make it clear in their conditions that the approval of this structure which will be recommended, will in no way amend the remainder of the site plan to delete other changes in other areas of the site plan that were formally approved.

Staff recommends to approve the site plan with the following conditions:

1. This approval shall only amend the site plan for the outdoor sales area underneath the proposed fiberglass roof structure. This site plan amendment shall not waive or amend any other site plan zoning requirements on any other part of the site plan.

Specifically, this approval shall not waive or amend any existing zoning requirements on the property for a fire hydrant, raised curbing, parking lot striping, traffic control signage, or designation of outdoor sales areas.

2. No siding shall be permitted on the roof structure.
3. Numerous outstanding zoning violations exist on the property. No building permit for this improvement shall be issued and no construction of this improvement shall be permitted until the property is in full compliance with all zoning ordinance requirements.

MOTION: Mr. Bergsten moved to table the site plan amendment for Centerville Mill until such time as the property is in full compliance with all zoning requirements, Mr. Hall seconded the motion.

Mr. Dan Wilson, representing Centerville Mill, stated that some of the requirements may not have to be made depending on the decision of the court. He stated that the present request is totally separate from the previous zoning conditions.

Mr. Hall stated that may be true, however, you come in and apply for other requests and do not follow the conditions of approval.

Mr. Wilson stated those conditions will be met if it is necessary.

Mr. Horvath stated it is the feeling of the Planning Commission that these conditions are necessary, because this latest request will be tabled until all other zoning requirements are met.

Mr. Hall called for the question. The vote was unanimous to vote on the motion previously stated by Mr. Bergsten and seconded by Mr. Hall.

The motion to table the site plan for Centerville Mill was approved unanimously.

Walden Place - Site Plan

Mr. Schwab made a slide presentation of the proposed site plan for Walden Place located on Westerly Lane in the APD. The proposed use on the 2.28 acre parcel is to construct 15 multi-family units. The provisions of the AP Ordinance allow a mixture of single-family, multi-family and business uses on the same property. This site plan is proposing to maintain the existing single-family residence on the property and add 15 multi-family units. The permitted density on the property is 5.4 units per acre which is based on 8,000 sq. ft. of land area per dwelling unit. The proposed density is 7.0 units per acre on the site plan. The parking requirement is 2 spaces per dwelling unit or a total of 32 parking spaces. The site plan has proposed 48 parking spaces or 3 parking spaces per dwelling unit. Improvements will be required to Westerly Lane.

Mr. Schwab stated that over the years, the property owners along Westerly Lane have not been able to come to an agreement on the maintenance of the private drive. One of the recommendations of staff is to upgrade Westerly Lane and a satisfactory maintenance agreement between all the owners on Westerly Lane be recorded.

Mr. Schwab stated the site plan proposal shows Westerly Drive extended immediately to the north and tie through to the private lane. A card activated gate is currently being proposed at the Westerly Drive location to insure no through traffic. A loop street will allow 2-way vehicular traffic all through the project.

Staff recommends approval of the site plan with the following conditions:

1. Before any construction begins, a perpetual maintenance agreement between all the property owners on Westerly Lane acceptable to the Centerville Law Director be legally recorded.
2. The entire length of Westerly Lane to SR 48 be improved to standards approved by the City Engineer.
3. A plan for the storm sewer water drainage on the site be approved by the City Engineer.
4. The water line and fire hydrant plans be approved by the Washington Township Fire Department.
5. No raised curb be permitted along the 18 ft. wide streets.

Mr. Schwab stated that the 18 ft. width of the street would be adequate without raised curbs as that visually narrows the width of the pavement that people use. The Fire Department did request 20 ft. streets which would be preferable, although staff feels that without raised curbs, 18 ft. is adequate.

6. A "T" intersection be constructed between existing Westerly Lane and the eastern entrance drive to the property.

Mr. Hall asked if the driveway areas are deep enough to keep cars from extending out into the street.

Mr. Schwab stated that it varies from driveway to driveway. In some areas, there is not adequate room to park a car in the driveway and not extend out into the street. He stated that even though parking should not occur on these streets, it is possible that at some point in time someone will park on one of these streets.

Mr. Horvath asked if we have any control on the setback of the garages in order to provide adequate room in the driveway for parking.

Mr. Schwab stated that is one thing staff noticed about the plan. He stated that this plan is not very refined in terms of those type of details.

Mr. Bergsten stated it appears too many units are being squeezed into the area. Consequently, they do not have adequate room for proper street width, garage access, etc. He stated that it appears there will be a tremendous temptation to park on the street in which case maybe other cars can get through, but fire equipment would never make it.

Mr. Horvath and Col. Morrow agreed that the street width along with the idea of possible on-street parking is definitely a problem.

Mr. Hall stated that he is also concerned about the density as well as the street width.

Mr. Schwab pointed out that most multi-family developments have been developed in Centerville at a much greater density than what is being proposed. He stated that this proposal does have an advantage as it does allow access in and out of the area in both directions.

MOTION: Mr. Bergsten moved to recommend denial of the site plan for Walden Place. Mr. Hall seconded the motion. The motion was approved unanimously.

Mr. Hall stated that he is still concerned with the density and more importantly is concerned with the safety factor. He stated more access should be provided for an emergency situation.

Mr. Horvath stated further that some of Planning Commission's concerns are the closeness of the garages to the street, street width and density.

Mr. Bergsten stated he would like to see the streets wide enough that parking could be made on one side of the street and fire equipment could still get through.

Mr. Chappell and Col. Morrow stated that they are also concerned about the street width, however, the density is not a problem with them.

There being no further business, the meeting was adjourned.

11-30-82

